

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

Litchfield Financial Corporation, Textron  
Financial Corporation, Land Finance  
Company,

Plaintiffs,

04-CV-30076-KPN

v.

Buyers Source Real Estate Group, Buyers  
Source Valley Group, LLC, Buyers Source  
Sugarmill, LLC, Buyers Source, Savannah  
Lakes, LLC, Thomas H. Brewer, Frederick D.  
Blake, Betty M. Brewer, Susan Gard, Henry  
Montgomery, Lannie Campbell, Ronald P.  
Ferguson, Stephen A. Hudgins, Esquire,  
Stephen A. Hudgins, PC, Hudgins &  
Stallings, PC, J. Vance Stallings, Esquire,  
John C. Lumpkin, Esquire, John C. Lumpkin,  
PC, William Gregory Seigler, Esquire  
Defendants.

**DEFENDANT WILLIAM GREGORY SEIGLER'S MOTION FOR LEAVE TO FILE AN  
AMENDMENT TO FACTS AND A LIMITED REPLY TO  
PLAINTIFFS' OPPOSITION TO HIS MOTION TO DISMISS – ASSENTED TO**

The defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Local Rule 7.1(B)(3), for leave to file an Amendment to Facts and a Limited Reply to Plaintiffs' Opposition to Defendant William Gregory Seigler's Motion to Dismiss ("Amendment to Facts and Limited Reply"). Defendant's counsel has conferred with plaintiffs' counsel, and plaintiffs' counsel assents to the filing of this Motion and to defendant filing an Amendment to Facts and Limited Reply.

In further support of this Motion, the defendant states as follows:

1. This action arises out of the financing of real estate located in South Carolina, Ohio and Florida, and the alleged failure on the part of Buyers Source Sugarmill, LLC, Buyers Source, Savannah Lakes, LLC and Buyers Source Valley Group, LLC to comply with various provisions of the Interstate Land Sales Act.
2. Mr. Seigler, an attorney licensed to practice law in the State of South Carolina and a defendant in the present action, filed Defendant William Gregory Seigler's Motion to Dismiss or in the Alternative to Stay ("Motion to Dismiss") on August 17, 2004 arguing the lack of personal jurisdiction and the pendency of a prior state court action. Plaintiffs have filed their Opposition to Defendant William Gregory Seigler's Motion to Dismiss ("Plaintiffs' Opposition").
3. Counsel for the defendant have since been able to determine that the statement, at page 6 of the Motion to Dismiss, that Mr. Seigler never sent correspondence to Massachusetts, was incorrect.
4. In his proposed Amendment to Facts and Limited Reply, a copy of which is attached hereto as Exhibit 1, Mr. Seigler seeks to amend his Motion to Dismiss to delete the incorrect sentence and to accurately reflect that correspondence was sent to Massachusetts. Defendant also wishes to reply *in a limited way* to plaintiffs' argument in their Opposition that the mailing, by an out-of-state lawyer,


of correspondence to Massachusetts, would be relevant to the issues before the court. It is defendant's position that the mailing of letters to Massachusetts should not, in any way, impact this court's determination of the personal jurisdiction question, as is more fully laid out in defendant's Motion to Dismiss and in the Limited Reply incorporated herein by reference.

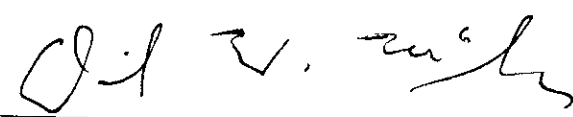
WHEREFORE, defendant, William Gregory Seigler, respectfully moves this Court, pursuant to Local Rule 7.1(B)(3), for leave to file the attached Amendment to Facts and Limited Reply to Plaintiffs' Opposition to Defendant William Gregory Seigler's Motion to Dismiss.

**ASSENTED TO:**

Plaintiffs,  
Litchfield Financial Company  
Textron Financial Corporation and  
Land Finance Company,  
By their attorney,

Defendant,  
William Gregory Seigler,  
By his attorneys,

  
Jeffrey L. McCormick, BBO #329740  
Robinson Donovan, P.C.  
1500 Main Street, Suite 1600  
Springfield, MA 01115  
Telephone: (413) 732-2301  
Fax: (413) 785-4658

  
Peter M. Durney, BBO #139260  
David W. McGough, BBO #553069  
CORNELL & GOLLUB  
75 Federal Street  
Boston, MA 02110  
Telephone: (617) 482-8100

Samuel W. Outten (SC Bar # 4295) *Pro Hac*  
*Vice*  
WOMBLE CARLYLE SANDRIDGE &  
RICE  
*A Professional Limited Liability Company*  
Post Office Box 10208  
Greenville, SC 29603-0208  
Telephone: (864) 255-5421  
Fax: (864) 239-5852

CERTIFICATE OF SERVICE

I, David W. McGough, attorney for the defendant, William Gregory Seigler, hereby certify that on this 27<sup>th</sup> day of September, 2004, a true copy of the foregoing Defendant William Gregory Seigler's Motion for Leave to File an Amendment to Facts and a Limited Reply to Plaintiffs' Opposition to his Motion to Dismiss, Assented to, was served via:

hand delivery, directed to:

Jeffrey L. McCormick, Esq.  
Robinson Donovan, P.C.  
1500 Main Street, Suite 1600  
Springfield, MA 01115

first class mail, postage prepaid, directed to :

George R. Moore, Esq.  
Devine, Millimet & Branch, PA  
300 Brickstone Square, 9<sup>th</sup> Floor  
P.O. Box 39  
Andover, MA 01810

Lannie L. Campbell  
One Harbor Court, #3D  
Portsmouth, VA 23704

Ronald P. Ferguson  
6395 Lake View Drive  
Falls Church, VA 22041

Betty M. Brewer  
113 Northgate Lane  
Suffolk, VA 23434

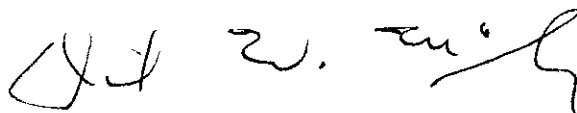
Henry Montgomery  
396 Baldwin Drive  
Howard, OH 43028-8044

Frederick D. Blake  
705 Mobjack Place  
Newport News, VA 23606

Thomas H. Brewer  
113 Northgate Lane  
Suffolk, VA 23434

Christopher F. Dugan, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, NW  
10<sup>th</sup> Floor  
Washington, DC 20004

James Edward Anklam, Esq.  
Paul, Hastings, Janofsky & Walker, LLP  
1299 Pennsylvania Avenue, NW  
10<sup>th</sup> Floor  
Washington, DC 20004



David W. McGough